

PATENT COOPERATION TREATY

REC'D 27 APR 2004

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From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Cullen & Co
GPO Box 1074
BRISBANE QLD 4001

Date of mailing
(day/month/year) 20 APR 2004

Applicant's or agent's file reference
021388PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.

PCT/AU2004/000107

International filing date (day/month/year)

30 January 2004

Priority date (day/month/year)

30 January 2004

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ E05B 63/08, 65/06, 59/00, 13/00

Applicant

LOCKWOOD SECURITY PRODUCTS PTY LIMITED et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU

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**WRITTEN OPINION OF THE
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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item:
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

☐ paid additional fees
☐ paid additional fees under protest
☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is:

☐ complied with
☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

Claims 1-30 are directed to a door lock having internal and external handles and a mechanism that allows for a passage mode, privacy mode and deadlock mode. It is considered that the provision of an outer hub and an internal hub, which are inside the lock body, comprises a first "special technical feature".

Claim 31 is also directed to a lock having a mechanism that allows for a passage mode, privacy mode and deadlock mode. It is considered that a remote control means to allow at least some of the modes to be operated by remote control comprises a second special technical feature.

The feature common to all of the claims is the general subject matter of a lock having a mechanism that allows for a passage mode, privacy mode and deadlock mode. However this common feature is generic in the art. Consequently the common feature does not constitute "a special technical feature" within the meaning of PCT Rule 13.2, second sentence, since it makes no contribution over the prior art. Since there exists no other common feature which can be considered as a special technical feature within the meaning of PCT Rule 13.2, second sentence, no technical relationship within the meaning of PCT Rule 13 between the different inventions can be seen. Consequently the claims do not satisfy the requirement of unity of invention a posteriori.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☐ all parts
☒ the parts relating to claims Nos. 1-31

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	YES
	Claims 1-31	NO
Inventive step (IS)	Claims	YES
	Claims 1-31	NO
Industrial applicability (IA)	Claims 1-31	YES
	Claims	NO

2. Citations and explanations:

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 - US 5651568
D2 - US 5123682
D3 - US 4594864
D4 - US 4979383.

The claimed invention relates to a door lock having a mechanism which allow operation in any one of three modes, either passage mode, privacy mode or deadlock mode and is intended to be easily adapted from manual operation to remote control with minimum reconfiguration.

The solution according to claim 1 comprises a mechanism comprising an outer hub and an internal hub which are inside the lock body.

However each of the documents D1-D3 disclose a three locking mode arrangement, wherein D1 has inner and outer hubs (115a, 115b, 132) see figure 13, D2 has inner and outer hubs see figure 1, and D3 has inner and outer hubs see figure 4. Therefore the subject matter of claim 1 is not new and fails to meet the requirements of Article 33 PCT with regard to novelty and inventive step.

Furthermore, appended claims 2-31 relate to parameters or structures that are either known from documents D1-D3 or are merely matters of design choice when the general technical knowledge about the state of the art is used and hence they cannot contribute to patentable invention.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

It is noted that the term "and/or" used at lines 3 and 4 of claim 1 can be construed in such a manner that the claim includes a lock that is allowed to operate in only one of the three modes passage, privacy or deadlock. Such an arrangement is not fairly based on the description and would clearly lack novelty. Consequently for the purposes of the International Search Report and this opinion the claim has been construed as having all three modes passage, privacy and deadlock available for operation.